



Legislative Analysis Sheet 2010 Legislative Session

Concurrent Jurisdiction for Finalization of Adoptions in Juvenile Court

Purpose of Legislation:

Currently, jurisdiction for finalization of adoptions is exclusively with the Superior Court, except where the Superior Court has granted jurisdiction to the Juvenile Court. This legislation would grant concurrent jurisdiction for adoptions to both the Superior and Juvenile Courts in cases where the Juvenile Court handled a termination of parental rights action. Additionally, when an adoption is handled in the Juvenile Court, that court would be required to follow the same records retention law that currently applies to the Superior Court.

The federal Child and Family Services Review (CFSR) measures substantial conformity by states with three broad measures of performance in child welfare: safety, permanence, and well-being. The proposed change is designed to impact "Permanency Composite 2: Timeliness of Adoptions." There are 4 individual measures that form the composite measure: 1) percentage of adoptions completed within 24 months of the child entering foster care; 2) median length of stay in foster care from last entry to finalized adoption; 3) percentage of children in care 17+ months who have adoptions finalized during the calendar year; 4) percentage of children who achieve adoption within 12 months of becoming free for adoption.

Georgia is currently not meeting required Child and Family Services Review timeframes for completion of adoptions. Delays are sometimes reported across the state in getting cases on the Superior Court docket. Allowing Juvenile Courts to have concurrent jurisdiction would increase the number of courts available to move these cases to finalization. It is hoped that this will lead to a reduction in the time required to move children to permanency through adoption and assist DFCS in meeting all federal measures.

Consequences of Not Pursuing:

Current Georgia performance in meeting individual measures:

- 1) Percentage of adoptions completed within 24 months of the child entering foster care (National standard: 36.6%, Georgia currently: 26.9%)
- 2) Median length of stay in foster care from last entry to finalized adoption (National standard: 27.3 months, Georgia currently: 33.2 months – lower score is better in this instance)

- 3) Percentage of children in care 17+ months who have adoptions finalized during the calendar year: (National standard: 22.7%, Georgia currently: 26%)
- 4) Percentage of children who achieve adoption within 12 months of becoming free for adoption (National standard: 53.7%, Georgia currently: 51%)

Georgia has 8 quarters remaining within which to achieve the stated goals. Failure to pass this legislation may result in a continuing inability for DFCS to meet required federal timeframes for achieving permanency through adoption. Failure to achieve the required outcomes under the Child and Family Services Review can result in an \$8.4 million dollar financial penalty that are required to be paid from state funds.

Georgia Code (O.G.C.A) Impacted

§ 19-8-2

§ 19-8-23

§ 15-11-28

DRAFT FOR DISCUSSION

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to change certain provisions relating to jurisdiction and venue in adoption proceedings to permit the juvenile court terminating the rights of a parent of a child to exercise jurisdiction and venue to hear adoption proceedings concerning any such child who has been placed in the permanent custody of the Department of Human Services as provided in Code Section 15-11-103 and to provide for the protection of and disclosure of the records of adoption proceedings in the juvenile court; to amend Part 3 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile courts, so as to provide that a juvenile court shall have jurisdiction and venue in adoption proceeding concerning a child when the juvenile court has entered an order terminating the rights of a parent of a child and the child is in the permanent custody of the Department of Human Services as provided in Code Section 15-11-103; to amend Part 8 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated to provide for the protection and disclosure of records of adoptions proceedings in the juvenile court; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoptions, is amended by revising subsection (a) of Code Section 19-8-2, relating to jurisdiction and venue, to read as follows:

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"(a) The superior courts of the several counties shall have exclusive jurisdiction in all matters of adoption, except such jurisdiction as may be granted to the juvenile courts by Code Sections 15-11-28 and 15-11-29 and as may be otherwise granted to the juvenile courts."

SECTION 2.

Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption records, is amended by adding to a new subsection (g) to Code Section 19-8-23, to read as follows:

“(g) The provisions of this Code Section 19-8-23 shall be applicable to the records of adoptions commenced or heard in the juvenile courts.”

SECTION 3.

Part 3 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the jurisdiction of the juvenile courts, is amended by revising paragraph (2) of subsection (a) of Code Section 15-11-28, to read as follows:

“(2) Involving any proceedings:

(A) For obtaining judicial consent to the marriage, employment, or enlistment in the armed services of any child if such consent is required by law;

(B) Under the Interstate Compact on Juveniles, or any comparable law, if enacted or adopted in this state;

(C) For the termination of the legal parent-child relationship and the rights of the biological father who is not the legal father of the child, other than that in connection with adoption proceedings under Article 1 of Chapter 8 of Title 19, in which the superior courts shall have concurrent jurisdiction to terminate the legal parent-child relationship and the rights of the biological father who is not the legal father of the child;

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(D) For the adoption of a child when the juvenile court of the county in which the adoption proceeding is commenced has terminated the parental rights of a parent of the child and has placed the child in the permanent custody of the Department of Human Services as provided in Code Section 15-11-103. This provision shall not prevent a juvenile court from exercising jurisdiction in an adoption proceeding when otherwise permitted by law;

(E)~~(D)~~ Under Article 3 of this chapter, relating to prior notice to a parent or guardian relative to an unemancipated minor's decision to seek an abortion; or

(F)~~(E)~~ Brought by a local board of education pursuant to [Code Section 20-2-766.1](#).

SECTION 4.

Part 3 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to venue in juvenile court proceedings, is amended by adding a new subsection (c) to Code Section 15-11-29, to read as follows:

“(c) When the parental rights of any parent of a child have been terminated in a juvenile court of this state and has placed the child in the permanent custody of the Department of Human Services as provided in Code Section 15-11-103, a proceeding for the adoption of the child may be commenced in the juvenile court which entered the order terminating the parent’s rights in the child. This provision shall not prevent a juvenile court from exercising jurisdiction or venue in an adoption proceeding when otherwise permitted by law.”

SECTION 5.

Part 8 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, concerning inspection of juvenile court files and records, is amended by revising subsection (b) of Code Section 15-11-79, to read as follows:

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“(a) Except as provided in subsection (b) of this Code section, all files and records of the court in a proceeding under this article are open to inspection only upon order of the court. Records in adoption proceedings commenced or heard in the juvenile court shall be maintained and opened for inspection only as permitted by Code Section 19-8-23.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.